

REMARKS

This Amendment and Request for Reconsideration is submitted in response to an outstanding Office Action dated June 1, 2005, the shortened statutory period for response set to expire on September 1, 2005. Accordingly, no Petition or Fee for Extension of time are believed due. In the event that the Commissioner determines that an extension of time or fee are due, the undersigned hereby petitions for such extension and authorizes the Commissioner to charge any fee to Deposit Account 13-3250.

I. Status of the Claims

Please amend claims 1, 4, 5, 9, 10, 11, 12, 13, 17 and 20 as indicated above.

Claims 1-21 are pending in the application. Claims 1, 9-13, 17 and 20 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. Rejections under 35 U.S.C. § 101

The Examiner has maintained the rejection of claim 10 under 35 U.S.C. § 101 as being directed to non-statutory subject matter as claiming only software per se.

Applicants re-state herein the arguments provided in the response mailed on March 30, 2005.

Applicants also direct the Examiner's attention to claims 84, 85 and 86 of U.S. Patent No. 6,513,020, which issued on January 28, 2003 ("the '020 patent"). Those claims are directed to "A computer data signal embodied in a carrier wave and representing instructions for execution by a computer for ..." Applicants submit that there is no statutory difference between the subject matter of claims 84 through 86 of the '020 patent and claim 10 of the instant application.

Finally, Applicants direct the Examiner's attention to recent holdings from the

Court of Appeals for the Federal Circuit, which clearly show that software code alone is patentable as a process, and that electronic transmission of software code is eligible for the same protection as a physical media where the software code is stored. In *Eolas*, the Federal Circuit stated that “[w]ithout question, **software code alone qualifies as an invention eligible for patenting ... at least as processes.** ... [T]his software code claimed in conjunction with a physical structure, such as a disk, fits within at least these ... categories of subject matter within the broad statutory label of ‘patented invention.’” *Eolas Tech. Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1399 (Fed. Cir. 2005) (emphasis added). In *A T & T*, the Federal Circuit quoted *Eolas* for that proposition, and then stated “we cannot accept [the] suggestion that **software sent by electronic transmission must be treated differently** for purposes of § 271(f) liability from **software shipped on disks**, ... as it would amount to an exaltation of form over substance. [W]hether software is sent abroad via **electronic transmission or** shipped abroad on a ... **disk is a distinction without a difference** for the purposes of § 271(f) liability.” *A T & T Corp. v. Microsoft Corp.*, No. 04-1285, 2005 WL 1631112, *4 (Fed. Cir.(S.D.N.Y) July 13, 2005) (emphasis added).

Withdrawal of the rejection of claim 10 under 35 U.S.C. § 101 is respectfully requested.

III. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,226,752 to Gupta et al (“*Gupta*”) in view of U.S. Patent Publication No. 2002/0184507 to Makower et al (“*Makower*”).

With respect to claims 1, 9, 10, 11, 12, 17, and 20 the Examiner acknowledges that *Gupta* fails to disclose a first and second system that grants a session credential, and relies on *Makower* as disclosing such a system. With respect to claim 13, the Examiner acknowledges

that *Gupta* fails to disclose sending, from the first system to the client, a log in page; and receiving, at the first system from the client, log in information; and a first and second system that grants a session credential. The Examiner relies on *Makower* to disclose such a system.

Claims 1 and 9-11 generally recite: determining, at a first system that grants session credentials based on successful authentication at the first system or successful authentication at a second system, that a client does not have a valid session credential granted by the first system; [and] retrieving, at the first system, information from a session token held by the client, the information corresponding to a possible [possible is not present in claim 9] session credential for the second system that grants session credentials based on successful authentication at the second system.

With respect to claims 1 and 9-11, Applicants submit that *Gupta* is directed to use of a centralized log-in server to provide authentication for application servers, and there is no disclosure or suggestion in *Gupta* of the claimed interaction between a first system that grants session credentials based on successful authentication at the first system or successful authentication at a second system and a second system that grants session credentials based on successful authentication at the second system. In Applicant's review of *Makower*, there is similarly no disclosure of the claimed interaction between a first system that grants session credentials based on successful authentication at the first system or successful authentication at a second system and a second system that grants session credentials based on successful authentication at the second system. Therefore, claims 1 and 9-11 are allowable over the cited references of *Gupta* and *Makower*.

Claims 13 and 17 generally recite: determining that a client does not have a valid session credential granted by a first system based on successful authentication at the first system or successful authentication at a second system; determining that a client does not have a valid

session credential granted by the second system based on successful authentication at the second system ... [and receiving at the first system] information corresponding to a session credential granted by the second system, the session credential granted by the second system based at least in part on the log in information and successful authentication at the second system.

With respect to claims 13 and 17, Applicants again submit that *Gupta* is directed to use of a centralized log-in server to provide authentication for application servers, and there is no disclosure or suggestion in *Gupta* of the claimed determining that a client does not have a valid session credential granted by a first system based on successful authentication at the first system or successful authentication at a second system and receiving at the first system information corresponding to a session credential granted by the second system, the session credential granted by the second system based at least in part on the log in information and successful authentication at the second system. In Applicant's review of *Makower*, there is similarly no disclosure of the claimed determining that a client does not have a valid session credential granted by a first system based on successful authentication at the first system or successful authentication at a second system and receiving at the first system information corresponding to a session credential granted by the second system, the session credential granted by the second system based at least in part on the log in information and successful authentication at the second system. Therefore, claims 13 and 17 are allowable over the cited references of *Gupta* and *Makower*.

Claim 20 recites: determining, at a first system that grants session credentials based on successful authentication at the first system or successful authentication at a second system, that a client does not have a valid session credential granted by the first system; [and] redirecting the client to the second system that grants session credentials based on successful authentication at the second system.

With respect to claim 20, Applicants again submit that *Gupta* is directed to use of a centralized log-in server to provide authentication for application servers, and there is no disclosure or suggestion in *Gupta* of the claimed determining, at a first system that grants session credentials based on successful authentication at the first system or successful authentication at a second system, that a client does not have a valid session credential granted by the first system; and redirecting the client to the second system that grants session credentials based on successful authentication at the second system. In Applicant's review of *Makower*, there is similarly no disclosure of the claimed determining, at a first system that grants session credentials based on successful authentication at the first system or successful authentication at a second system, that a client does not have a valid session credential granted by the first system; and redirecting the client to the second system that grants session credentials based on successful authentication at the second system. Therefore, claim 20 is allowable over the cited references of *Gupta* and *Makower*.

IV. Request for Reconsideration

Applicants respectfully submit that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,
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